

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

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FIT TECH, INC., PLANET FITNESS	)	
CENTER, INC., PLANET FITNESS	)	
CENTER OF MAINE, INC., PLANET	)	
FITNESS CENTER OF DARTMOUTH,	)	
INC., PLANET FITNESS CENTER OF	)	
SALEM, INC., PLANET FITNESS	)	
CENTER OF BRIGHTON, INC.,	)	
STRATFORD FITNESS CENTER, INC.,	)	
DAVID B. LAIRD and SCOTT G.	)	
BAKER,	)	
Plaintiffs,	)	Civil Action No.
	)	05-10471-MEL
vs.	)	
	)	
BALLY TOTAL FITNESS HOLDING	)	
CORPORATION, HOLIDAY	)	
UNIVERSAL, INC., and PAUL TOBACK.	)	
Defendants.	)	
	)	

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**DEFENDANTS' MOTION TO EXTEND SCHEDULING FOR FILING OF  
MOTIONS TO DISMISS, ASSENTED TO BY PLAINTIFFS**

Defendants Bally Total Fitness Holding Corporation, Holiday Universal, Inc., and Paul Toback, (collectively, "Defendants"), hereby request that the Court extend the current scheduling order. The Plaintiffs<sup>1</sup> assent to this motion and agree to the extension. Defendants seek this assented-to stay to accommodate certain scheduling conflicts and also to allow time for certain discussions to occur concerning the litigation generally. No prejudice will result from this extension.

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<sup>1</sup> Plaintiffs include Fit Tech, Inc., Planet Fitness Center, Inc., Planet Fitness Center of Maine, Inc., Planet Fitness Center of Dartmouth, Inc., Planet Fitness Center of Salem, Inc., Planet Fitness Center of Brighton, Inc., Stratford Fitness Center, Inc., David B. Laird and Scott G. Baker.

This extension modifies the Court's Joint Scheduling Order of March 10, 2006, as well the Court's Joint Scheduling Order of May 18, 2006.

Under the new schedule:

- Defendants' Motions to Dismiss will be due on August 15, 2006;
- Plaintiffs' oppositions to the motions to dismiss will be due on October 17, 2006;
- Defendants' replies to oppositions will be due on November 16, 2006.

Finally, the parties request that, following motion practice and the Court's ruling on all motions to dismiss, to the extent that there remain any claims in the First Amended Complaint or any subsequent amendment, the Court hold a scheduling conference to consider the various parties' positions on consolidation of some or all of the remaining claims with the 2003 civil action filed by Plaintiffs, and to set a discovery schedule for all remaining claims.

Respectfully submitted,

Defendants,  
BALLY TOTAL FITNESS  
HOLDING CORPORATION,  
HOLIDAY UNIVERSAL, INC., and  
PAUL TOBACK,  
By their attorneys,

Assented to by Plaintiffs,  
FIT TECH, INC., et al.  
By their attorneys,

/s/ Matthew J. Fogelman  
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Dated: June 29, 2006

So Ordered:

Lasker, J.  
United States District Court

**CERTIFICATE OF SERVICE**

I, Matthew J. Fogelman, hereby certify that this document has been filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Date: June 29, 2006

/s/ Matthew J. Fogelman